IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1683 OF 2007

Shri.Ajay Uttam Pawar. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.R.S.Kate, Adv. for the Applicant.
Mr.S.S.Pednekar, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : 21st June, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking anticipatory bail in C.R.No.23 of 2007 of Pandharpur Taluka Police Station. The said case is under Sections 409, 420, 467, 468, 471 and 201 of IPC.

3. Inspection of documents of Karkamb godown was conducted and a report came to be submitted on 18.10.2006 to the District Supply Officer, Solapur. In the inspection it was detected that the godown keeper Mr.Rokade (coaccused) committed misappropriation of wheat and rice worth about Rs.6,50,000/-. It was further found that the godown keeper has distributed the food grains to the fair price shop keepers without signatures of the Tahsildar on the permit. The present

applicant is the Tahsildar. However, it is further the prosecution case that on 14.9.2006, the present applicant along with other accused had brought about 300 quintals of wheat loaded in trucks and unloaded the same in godown in order to fill-up the deficit of wheat and thus tried to destroy the evidence.

4. The learned APP has placed reliance on the statements of witnesses Kishan Pawar and Nandu Gavli in order to show that the applicant had got the grains loaded in the trucks and thereafter the same was unloaded at the godown in order to fill up the deficit. These witnesses have stated that the present applicant and others were present when grains were loaded in the trucks as well as unloaded at the godown. It is pertinent to note that specific case of the prosecution is that on 14.9.2006 the applicant and others had brought about 300 quintals of wheat loaded in trucks and unloaded the same in godown in order to fill-up the deficit of wheat and thus tried to destroy the evidence. None of these witnesses have given specific date on which they have seen the applicant loading the grains in the truck or unloading the same at the godown. The learned APP has admitted that none of the witnesses have stated that they saw the applicant on 14.9.2006

loading or unloading the grains.

5. The learned Advocate for the applicant has submitted that the applicant infact had sent a fax bearing No.2072008 dated 15.9.2006 to the Additional Collector contending Godown keeper had brought two trucks of foodgrains from outside.

6. In this view of the matter, I am inclined to grant anticipatory bail to the applicant.

7. In the event of arrest, the applicant - Ajay Uttam Pawar to be released on bail in the sum of Rs.40,000/- with one or two sureties to make up the said amount. The applicant shall report to Pandharpur Taluka Police Station for 15 days starting from 25.6.2007 from 11:00 a.m. to 2:00 p.m.; and thereafter once in a week, till conclusion of the trial.

8. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)